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ATTORNEYS FOR KIMCO REALTY CORPORATION

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: §
FRESH ACQUISITIONS, LLC, et al.¹ § CASE NO. 21-30721 (SGJ)
Debtors. § Chapter 11
§

**NOTICE OF APPEARANCE AND
REQUEST FOR NOTICE AND SERVICE OF PLEADINGS**

TO THE CLERK OF THE BANKRUPTCY COURT:

PLEASE TAKE NOTICE that Kimco Realty Corporation (“**Kimco**”), and through its counsel Singer & Levick, P.C., files this, its *Notice of Appearance and Request for Notice and Service of Pleadings*.

Pursuant to Bankruptcy Rules 2002. 9007 and 9010, and Sections 102(1), 342, and 1109(b) of the Bankruptcy Code, Kimco respectfully requests that all notices given or required to be given in these proceedings and all papers served or required to be served in these proceedings be served upon its counsel at the address, telephone number and email address listed below.

¹ The Debtors in these Chapter 11 cases and the last four digits of each Debtor's Taxpayer Identification Number are as follows: Alamo Fresh Payroll, LLC (1590); Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe's Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan's Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors' principal offices are located at: 2338 N. Loop 1604 W., Suite 350, San Antonio TX, 78248.

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PLEASE TAKE FURTHER NOTICE that pursuant to Section 1109 (b) of the Bankruptcy Code, the foregoing request includes not only the notices and papers referred to in the Rules specified above, but also includes, without limitation, Orders and notices of any Application, Motion, Petition, pleading, request, complaint, or demand, whether formal or informal, whether written or oral, whether transmitted or conveyed by mail, delivery, telephone, facsimile, or otherwise.

PLEASE TAKE FURTHER NOTICE that this *Notice of Appearance and Request for Notice and Service of Pleadings* is without prejudice to: (1) Kimco's rights, remedies, claims, actions, defenses, setoffs, or recoupments, in law or in equity, against the Debtor and any other entities either in this case or in any other action, all of which rights, remedies, claims, actions, defenses, setoff and recoulements are expressly reserved, and (2) any objection which may be made to the jurisdiction of the Court, and shall not be deemed or construed to submit Kimco to the jurisdiction of the Court.

DATED: April 21, 2021

Respectfully submitted,

SINGER & LEVICK, P.C.

By: /s/ Michelle E. Shriro

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CERTIFICATE OF SERVICE

I hereby certify that Notice of this document will be electronically mailed to the parties that are registered or otherwise entitled to receive electronic notices in this case pursuant to the Electronic Filing Procedures in this District on this, the 21st day of April, 2021.

/s/ Michelle E. Shriro

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